

Defeated Ayes 2 (Lo, NY)
Nays 7

10/7/87

REVISED

ORDINANCE 87 -42

To Amend the Zoning Map from RE to ML/PCD and
Grant Outline Plan approval.

RE: Southwest corner of S.R. 37 and Acuff Road

WHEREAS, the Common Council passed a Zoning Ordinance amendment and adopted new incorporated zoning maps on June 7, 1978 which are now incorporated in Title 20 of the Bloomington Municipal Code; and

WHEREAS, the Plan Commission has considered this case, ML/PCD-33-87, and recommended that the petitioner, Jerry Gates, be granted an amendment to the Bloomington zoning maps and request that the Common Council consider their petition for rezoning of certain property:

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Through the authority of IC 36-7-4 that the zoning be changed from RE to ML/PCD for property located at the Southwest corner of S.R. 37 and Acuff Road, and more particularly described as follows:

Part of the Northwest Quarter of the Northwest Quarter of Section 20, Township 9 North, Range 1 West, described as follows:

Beginning at the Southwest corner of said Quarter Quarter, thence North 89°19'10" East 674' to the West right-of-way of State Road #37, thence in a northerly direction along said West right-of-way line the following courses and distances: N 02°50'10" East 245.48; thence N 1018.08 feet along an arc to the left and having a radius of 11,314.16' and substended by a long chord having a bearing of N 0°15'30" East and a length of 1017.74'; thence 48°24'40" West 73.86' thence N 89°15'30" W 200'; thence N 64°05'05" W 55.25'; thence N 00°44'30" W 16.50'; thence leaving said road #37 right-of-way N 89°15'30" W 274.45'; thence S 61°40' W 42.75'; thence the following courses and distance along a county road: S24°02' W 267.75'; thence S 21°02' East 296.53'; thence S 06°30' West 89.57'; thence S 54°39' West 121.84' and to the West Section line; thence South along the West Section line 619' to the point of beginning containing in all 19.53 acres more or less.

also:

A part of the Northwest quarter of Section 20, Township 9 North, Range 1 West, Monroe County, Indiana, bounded and described as follows: Beginning at a point that is 1318.25 feet South and 1947.62 feet west of the Northeast corner of the said quarter in said Section 20, and on the West right-of-way of State Road #37, thence running with the said State Road the following courses and distances, South 03 degrees 11 minutes 26 seconds West for 1052.90 feet, thence South 02 degrees 05 minutes 20 seconds West for 251.32 feet, thence South 05 degrees 51 minutes 15 seconds West for 213.24 feet, thence leaving said State Road #37 right-of-way and running West for 564.77 feet, thence North 00 degrees 54 minutes 16 seconds East for 1515.09 feet, thence South 89 degrees 58 minutes 05 seconds East for 630.36 feet and to the point of beginning, containing in all 20.88 acres, more or less.

SECTION II. Through the authority of IC 36-7-4 and pursuant to Chapter 20.13 of the Bloomington Municipal Code, that an outline plan be approved and the above designated property be designated a Planned Commercial Development.

SECTION III. The Outline Plan, as recommended by the Plan Commission, shall be as attached hereto and made a part hereof.

SECTION IV. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 1987.

TIMOTHY MAYER, President
Bloomington Common Council

ATTEST:

PATRICIA WILLIAMS, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 1987.

PATRICIA WILLIAMS, City Clerk

SIGNED and APPROVED by me upon this _____ day of _____, 1987.

TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

The petitioner (Jerry Gates) proposes an industrial park on this 40 acre tract at the southwest corner of S.R. 37 and Acuff Road. Some residential development is proposed on the west side of Stoutes Creek as part of this development. A list of conditions was made part of the Plan Commission recommendation to the Council and is attached to this ordinance.

****ORDINANCE CERTIFICATION****

In accordance with IC 18-7-4-508, I hereby certify that the attached Ordinance Number _____, is a true and complete copy of Plan Commission Case Number ML/PCD-33-87 which was given a recommendation of approval by a vote of 6 Ayes, 4 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on August 24, 1987

Timothy A. Mueller
Planning Director

Date: _____,

Tim Mueller, Secretary
Plan Commission

Received by the Common Council Office this 11 day of Sept,

Patricia Williams
Patricia Williams, City Clerk

Appropriation Ordinance # _____ Fiscal Impact Statement # _____ Resolution# _____
Ordinance

Type of Legislation:

Appropriation _____	End of Program _____	Penal Ordinance _____
Budget Transfer _____	New Program _____	Grant Approval _____
Salary Change _____	Bonding _____	Administrative Change _____
Zoning Change <u>X</u> _____	Investments _____	Short-Term Borrowing _____
New Fees _____	Annexation _____	Other _____

RE to ML/PCD with outline plan approval.

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure _____
Unforeseen Need _____

Emergency _____
Other _____

Funds Affected by Request:

Fund(s) Affected _____		
Fund Balance as of January 1 _____	\$ _____	\$ _____
Revenue to Date _____		
Revenue Expected for Rest of year _____		
Appropriations to Date _____		
Unappropriated Balance _____		
Effect of Proposed Legislation(+/-) _____		
Projected Balance _____	\$ _____	\$ _____

Signature of Controller _____

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues? Yes _____ No X

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

The site is not within the City's incorporated limits.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary)

Agency submitting legislation Planning Department

By Timothy Mueller

Date August 31, 1987

AMENDMENT FORM

ORDINANCE # 87-42 RESOLUTION # _____ APPROPRIATION ORDINANCE # _____

SUBMITTED BY: The Petitioner

COMMITTEE ACTION: _____

PROPOSED AMENDMENT:

To amend the Legal Description as submitted by
the petitioner and approved by the Planning
Department

pjw/

MEMO

TO: City Council

RE: Ord. 87-10

FROM: Tim Mueller
Planning Department

DATE: September 2, 1987

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This ordinance rezones about 111 acres from M0, quarry, to ML, approves an outline plan, and designates the site a Planned Commercial Development.

The outline plan consists of a site plan, access improvements at Weimer and Tapp Roads, proposed uses, and conditions of approval. The petitioner has agreed to some changes introduced by the Plan Commission at its final hearing. The attached list of uses is based upon the ML zone's uses and incorporates the Plan Commission's terms of approval.

The conditions of approval are as follows:

1. Uses permitted per the attached list of uses. The intent is to incorporate retail or commercial trade uses into the framework of an industrial park to serve the park or as otherwise may be appropriate, but not to develop a shopping center per se. Such development would be precluded by the single entrance to Tapp, the internal street concept, and the need for additional subdivision approval should a site be created for a shopping center.
 2. Access will be limited to one on Tapp, two on Weimer, as shown on the plan and approved by the County Highway Engineer.
 3. The site will be buffered to the north by a 100 ft. setback from centerline for any structures along (Wapehani Road) no access to Wapehani Road, preservation of existing trees within 25 ft. of Wapehani Road, additional screening of parking, loading, and outside mechanicals, enclosure of outdoor storage. *(Substitute North Boundary)*
 4. ROW dedication 50 ft. from centerline on Tapp, 30 ft. from centerline on Weimer.
 5. Individual building locations will be subject to ML height, bulk, and density requirements.
 6. City Utilities Department approval of water and sewer service and Engineering Department approval of storm drainage plans supported by computations are required before permits are issued.
 7. Approval incorporates terms contained in attached letter from Monroe County Highway Engineer dated August 3, 1987.
 8. The following will be guidelines for development plan approval by the Plan Commission:
 - a. Divide the tract into north and south portions along the east-west road to the west property line. The north part would be much more strictly controlled than the south half.
 - b. No use in the PCD not permitted in ML. That is, no MG uses.
 - c. No outside storage.
 - d. 100 foot buffer.
 - e. Limited signage.
 - f. Limited lighting.
 - g. Approved landscaping.
 - h. Preserve trees.
 - i. Control noise.
 - j. Control air pollution and odor.
 - k. No pole buildings.
 - l. Buildings to have veneer facings on sides visible to street or neighbors.
 - m. No evening or weekend activity.
 - n. No high traffic generating activities.
 - o. Wapehani Road to remain residential access only.
 - p. Approvals to be by Plan Commission at public meeting.
 - q. Limited access between north and south.
- * Special attention will be paid to these criteria north of road to west property line.

LIST OF USES

ZO/PCD-40-87 PUBLIC INVESTMENT CORPORATION
2500 Tapp Road

Ordinance #87-10

Industrial

A. Manufacturing/Processing

1. Apparel
2. Bakery, Dairy Products, Confectionary
3. Beverage, Bottling
4. Chemicals and Chemical Products - manufacture of products from already prepared chemical materials.
5. Clock, Scientific Instruments
6. Furniture - custom shops, upholstery shops and small furniture manufacturing may be permitted in the M₁ zone by the Plan Commission.
7. Meat, Poultry, Seafood - processing or freezing of dressed meat and poultry permitted in all M zones, slaughter or dressing must receive special permission of the Plan Commission and is permitted only in the M₂ zone.
8. Musical Instruments
9. Paper Products
10. Printing/Newspaper
11. Research Laboratories

B. Industrial, Non-Processing

1. Warehouse, Storage or mini

C. Commercial, Wholesale

1. Building Material
2. Farm Products
3. Food Products
4. Farm Supplies
5. Household Goods

Institutional

A. Public, Quasi Public

1. Religious Organizations
2. Schools, Parks, Playgrounds - conditional use
3. Civic, Community Clubs
4. Daycare Centers - special exception

B. Utilities

1. Communication, Transmission
2. Storage

C. Medical Facilities

1. Rehabilitative Facilities

The following uses are permitted only in the area south of the east-west road to the West lot line.

Business

A. Commercial, Retail

1. Appliance Stores, Small
2. Arts and Crafts
3. Auto/Truck/Marine Sales
4. Auto Parts/Supplies, New
5. Bicycle Shops
6. Dairy Products
7. Drugstore, Sundry
8. Farm Equipment
9. Grocery and Meats
10. Hardware
11. Mobile Home Sales
12. Motorcycle Sales
13. Used Merchandise
14. Variety Store

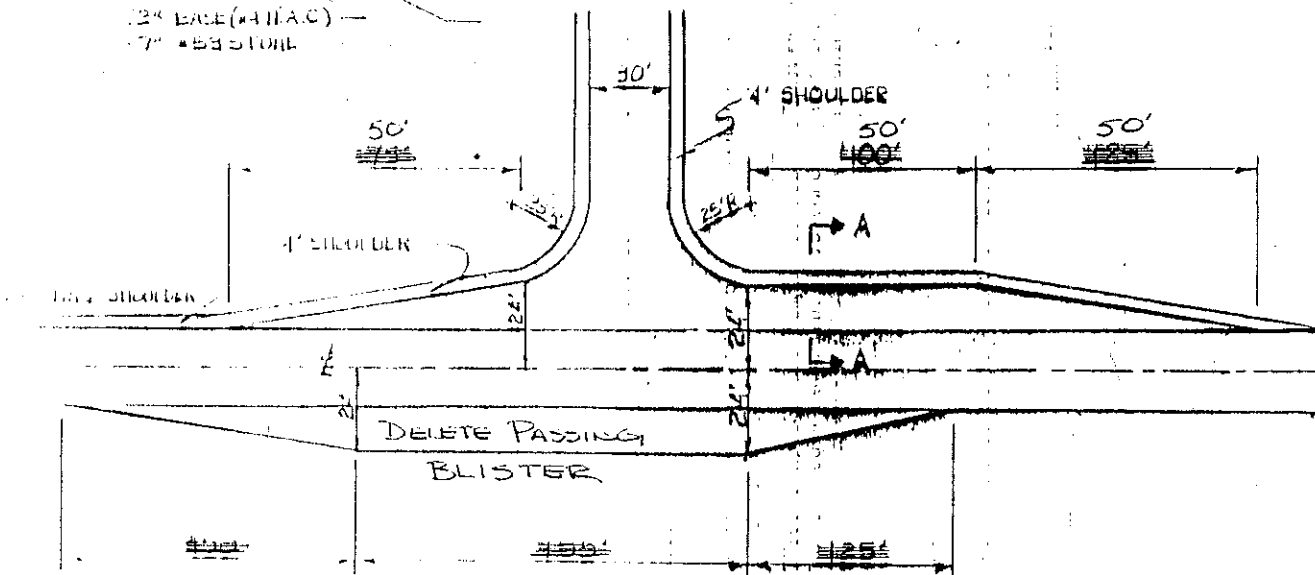
B. Commercial Trade

1. Appliance Repair (Small)
2. Auto Repairs - all major overhaul, body and fender work, upholstery and welding shall be conducted within a completely enclosed building and all spray painting shall be conducted within an approved spray booth and provided, further, that no outdoor storage of automobile parts, discarded tires, or similar materials, or outdoor storage of more than three wrecked or temporarily inoperable motor vehicles awaiting repairs shall be permitted.
3. Auto Storage Yards - special exception
4. Banks (Branch)
5. Business Service
6. Business and Professional Office
7. Candy, Confectionary
8. Eating, Drinking (Restaurant)
9. Furniture Repair
10. Gasoline Service Station
11. Laundry and Dry Cleaning
12. Personal Service
13. Recreation
14. Schools (Trade and Business)
15. Taxi Stands
16. Tire Recapping - special exception
17. Theaters, Drive-In - special exception
18. Building Trades Shops

SECTION "A-A"

COMMERCIAL DRIVE APPROACH WEIMER ROAD

EXISTING
Pavement
1" SURFACE (*H.I.A.C.)
4' SHOULDER
2" BASE (*H.I.A.C.)
7" #55 STONE



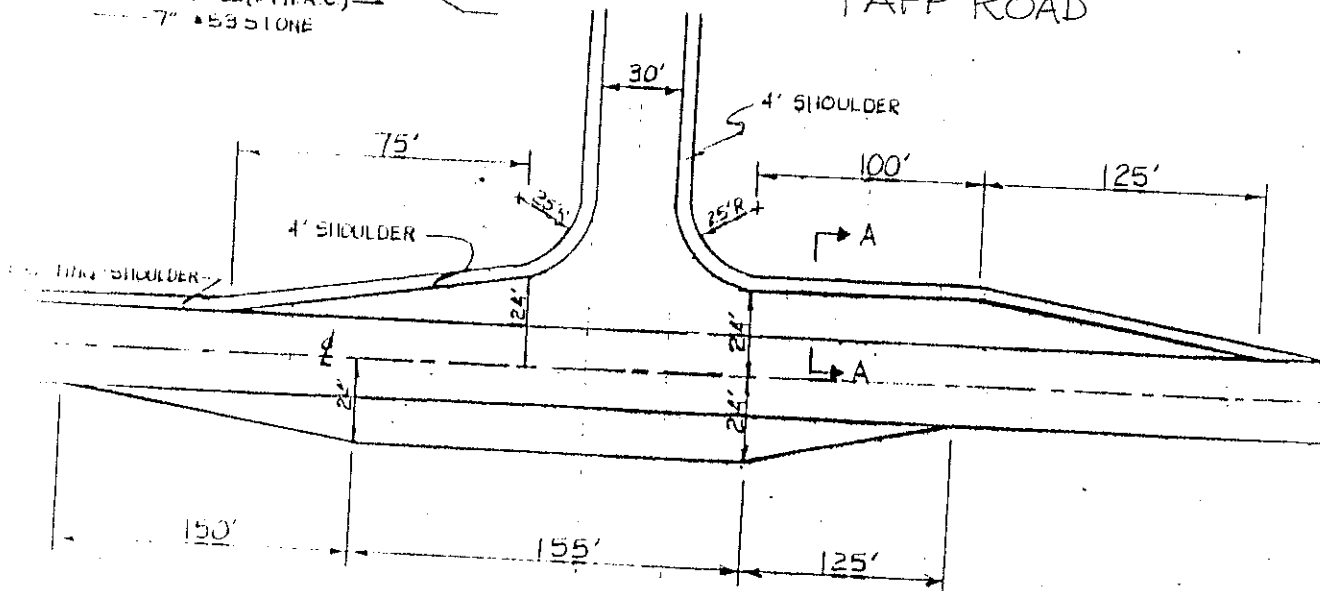
THIS PERMIT IS INVALID UNLESS COUNTERSIGNED BY A
REPRESENTATIVE OF THE BLOOMINGTON OR MONROE COUNTY PLAN
COMMISSION.

SIGNED

DATE

EXISTING
Pavement
1" SURFACE (*H.I.A.C.)
4' SHOULDER
2" BASE (*H.I.A.C.)
7" #55 STONE

Large Commercial Driveway TAPP ROAD



THIS PERMIT IS INVALID UNLESS COUNTERSIGNED BY A
REPRESENTATIVE OF THE BLOOMINGTON OR MONROE COUNTY PLAN
COMMISSION.

SIGNED

DATE

OFFICE OF
MONROE COUNTY HIGHWAY ENGINEER
COURTHOUSE - ROOM 323
BLOOMINGTON, INDIANA 47401

August 3, 1987

Mr. Tim Mueller
City of Bloomington Planning Director
Municipal Building, 220 E. Third St.
Bloomington, Indiana 47401

RE: Public Investment Corporation;
Industrial Park II.

Dear Mr. Mueller:

Per our meeting this afternoon with various city and county officials, I would like to clarify the improvements that we discussed in relation to the Industrial Park that should be done on Tapp Road and Weimer Road.

As you are aware, we have issued one driveway cut on Tapp Road and two on Weimer Road. The cut on Tapp Road will be constructed as shown on attachment "A", with both cuts onto Weimer Road constructed as shown on attachment "B". Please note that a passing blister is required on the Tapp Road driveway cut.

As we discussed at our meeting in Dean's office last Friday, some improvements should be made to the intersection of Tapp and Weimer Roads. After discussion with the Board of Commissioners, in order to maintain the free flow of eastbound traffic on Tapp Road, we urge that a passing blister be constructed at this intersection, with this construction to coincide with the usage of the south driveway.

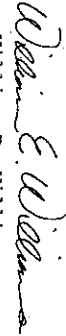
The condition of Weimer Road is of concern to us also. As we discussed, it is recommended that the reconstruction of Weimer Road be completed in conjunction with the development of this area. The County has scheduled the replacement of two deteriorated concrete box culverts next season in an attempt to make this area more suitable for heavy trucks. The costly item will be the actual road improvements (widening, resurfacing, etc.), which we currently have no definite plans for reconstruction. This is something that will have to be worked out with the developer, City and County. One option is to phase usage of the property with phased improvements to Weimer Road.

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Letter to T. Mueller
August 3, 1987

Regardless of the outcome of tonight's meeting, we must address the solution for infrastructure improvements in this area and other west side roads. I would like to request that Tapp Road/County Club Drive from State Road 37 Bypass to Walnut Street and Vernal Pike from Curry Pike to State Road 37, be placed in the staging program of the Transportation Improvement Plan (TIP) and given the highest possible priority in order to receive federal funding for said improvements. Also, as a short term solution, we should work with Thayer Richey on possibly receiving Department of Commerce infrastructure funds for improvements to segments of the aforementioned roads and possibly Weimer Road.

Your cooperation is appreciated.

Sincerely,


William E. Williams
Monroe County Highway Engineer

MEW/me
attachments

